

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

JOANN WRIGHT HAYSBERT,

Plaintiff,

v.

BLOOMIN' BRANDS, INC., et al.

Defendants.

)
) Case No.: 4:20-cv-0012-RBS-DEM
)

) Assigned to Senior United States
) District Judge Rebecca Beach Smith
)

)
)
) [Filed concurrently with
) Proposed Order]
)

**JOINT STIPULATION TO CONTINUE DISCOVERY DEADLINES AND
SET TRIAL AND RELATED DATES**

Plaintiffs JOANN WRIGHT HAYSBERT, and Defendants BLOOMIN' BRANDS, INC., OUTBACK STEAKHOUSE OF FLORIDA, LLC (collectively "Defendants") (collectively the "Parties") hereby respectfully submit their Joint Stipulation to Continue Trial and Pretrial Dates based on the following good cause:

1. On March 30, 2021, the parties convened by video conference for a hearing on pending motions with Magistrate Judge Douglas E. Miller.
2. Magistrate Judge Miller granted Plaintiff's request for an extension of discovery deadlines and thereby continued all pending discovery deadlines by sixty (60) days. *See* Dkt. No. 56, Order.
3. The Order re-set Plaintiff's fact discovery cutoff for June 7, 2021, and Defendants' fact discovery cutoff for July 6, 2021. The Court also informally

mentioned that many trials in the Eastern District of Virginia are being continued, and so ordered the parties to confer with the Courtroom Deputy for District Judge Rebecca Beach Smith to set a trial date.

4. Magistrate Judge Miller also ordered the parties to meet and confer within seven (7) days of the hearing to schedule Plaintiff's deposition and medical examination.

5. Counsel for the parties met and conferred on April 2, 2021 to discuss scheduling depositions in this matter as well as Plaintiff's medical examination.

6. Defendants' counsel indicated he is not available prior to April 15, 2021 and has a scheduled vacation the week thereafter, and essentially would not be available to participate in depositions until early May.

7. Plaintiffs' counsel indicated that Plaintiff and her daughter, who is anticipated to be a witness in this matter, are available in April, but not early May. Plaintiff is involved with planning the wedding of her daughter which will take place on May 8, 2021. Plaintiff and her daughter will be unavailable the week prior to May 8, and Plaintiff's daughter would be out of the country in the two weeks following the wedding. Thus, if not in April, Plaintiff would not be available for deposition or medical examination until mid-May and her daughter would be unavailable until late May or early June.

8. The parties further met and conferred and agreed that a 30-day further continuance of all trial and pretrial dates would resolve the scheduling issues identified by the parties.

9. Good cause exists to grant a further 30-day continuance because the Court has already granted a 60-day continuance of discovery deadlines and directed the parties to confer toward setting an appropriate trial date. Given the scheduling issues identified by the parties which will not allow them to participate in depositions or other crucial discovery until late May or early June, a final 30-day continuance of

discovery dates would allow the parties to complete all discovery and adequately prepare for trial in this matter.

10. Good cause existing, no party will be prejudiced by this stipulation.

11. Additionally, per the trial schedules of counsel, the Parties are requesting a trial date of December 6, 2021, or as nearest thereto based on the Court's calendar.

STIPULATION

Accordingly, the Parties stipulate (and the Court should order) as follows:

1. The identification of expert witnesses should be continued from April 19, 2021 to May 19, 2021.

2. Initial expert witness disclosures should be continued from May 17, 2021 to June 16, 2021.

3. Plaintiff's fact discovery cut-off date should be continued from June 7, 2021 to July 7, 2021.

4. Rebuttal expert witness disclosures should be continued from June 15, 2021 to July 15, 2021.

5. Further rebuttal expert witness disclosures should be continued July 2, 2021 to August 2, 2021.

6. Defendants' fact discovery cut-off should be continued from July 6, 2021 to August 5, 2021.

7. The expert discovery cut-off should be continued from July 12, 2021 to August 11, 2021.

8. Pretrial disclosures should be continued from July 13, 2021 to August 12, 2021.

9. Objections to pretrial disclosures should be continued from July 20, 2021 to August 19, 2021.

10. The attorneys' conference should be continued from July 26, 2021 at 2:00 p.m. to October 26, 2021 at 2:00 p.m.

11. Plaintiff's deadline to distribute a proposed final draft pretrial order should be set for November 18, 2021.

12. The final pretrial conference should be set for November 22, 2021.

13. The deadline to file proposed voir dire and jury instructions should be set for November 29, 2021.

14. The trial in this matter should be set for December 6, 2021.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD, AND
RESPECTFULLY SUBMITTED,**

DATED:

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By: /s/ D. Adam McKelvey, Esq.

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